

Summary of Proposed Amendments to Maine Rules of Civil Procedure July 2023

| Rule | Analysis |
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| Rule 3 Commencement | Reformatting of subdivisions. |
| Rule 4 Process | <i>Rule 4(a):</i> “shall notify defendant that in case of failure to do so judgment by default will <u>may</u> be rendered...” |
| Rule 4A Attachment | <i>Rule 4A(c):</i> <ul style="list-style-type: none"> Clarify that motion to attach may be filed and served with complaint or during pendency of the action. Delete requirement to file a form notice of hearing. Add notice regarding Electronic Service. <i>Rule 4A(g):</i> Clarify that ex parte motion for attachment may be filed at commencement or during the pendency of the action. |
| Rule 4B Trustee Process | <i>Rule 4B(c):</i> <ul style="list-style-type: none"> Clarify that motion for trustee process may be filed and served with complaint or during pendency of the action. Delete requirement to file a form notice of hearing. <i>Rule 4B(e):</i> Update language “noted” instead of “minuted” <i>Rule 4B(i):</i> Clarify that ex parte motion for trustee process may be filed at commencement or during the pendency of the action. |
| Rule 5 Service, Filing, and <u>Form</u> of Pleadings and Other <u>Documents</u> | <i>Rule 5(d):</i> Resolve the inconsistency about timing between subdivisions 5(a) and 5(d): <ul style="list-style-type: none"> Current Rule 5(a) requires service on or before filing date; Rule 5(d) amendment requires filing <u>upon</u>, or within a reasonable time after, service. This resolves the inconsistency. Service can precede filing; filing must coincide with or follow service. <i>Rule 5(b)-(k):</i> M.R.E.C.S.changes <i>Rule 5(f):</i> Clarification added for examples about rejection <i>Rule 5(h)(1):</i> clarification <i>Rule 5(h)(3):</i> Replace “SA” with specific case types that do not require a Civil Summary Sheet. Require use of FM summary sheet for FM cases. <i>Rule 5(i):</i> format requirements from Rule 7 and M.R.E.C.S. <i>Rule 5(k):</i> Allows for filing by electronic means in courts that ordinarily accept only paper filing if an administrative order or other court order authorizes electronic such filing; provides that |

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| | when using the court's electronic filing system, the M.R.E.C.S. apply. |
| Rule 7 Pleadings: Motions | <i>Rule 7(e)</i> : Clarification of deadline to file reply memorandum after opposition to a motion. <i>Rule 7(f)</i> : Cross-reference Rule 5 for formatting requirements. |
| Rule 11 | <i>Rule 11(a)</i> : Clarifies how attorneys and unrepresented parties must provide contact information to the court and defines acceptable forms of signatures. Expands the reach of Rule 11 obligations beyond "pleading and motion" to any "other written request for relief." <i>Rule 11(b)</i> : Applies the standard established in subdivision (a) to subdivision (b) with regard to limited appearances. |
| Rule 12 Defenses & Objections | <i>Rule 12(a)</i> : Add reference: notice regarding Electronic Service. |
| Rule 24 Intervention | <i>Rule 24(c)</i> : Motion to intervene must be served per Rule 5, or if filed electronically, then served per M.R.E.C.S. 36. |
| Rule 25 Substitution | <i>Rule 25(a)(1)</i> : Remove requirement to file notice of hearing. Also motion for substitution must be served per Rule 5, or if filed electronically, then served per M.R.E.C.S. 36. |
| Rule 30 Depositions | <i>Rule 30(a)</i> : Add reference: notice regarding Electronic Service. |
| Rule 33 Interrogatories | <i>Rule 33(a)</i> : Add reference: notice regarding Electronic Service. |
| Rule 34 Production <u>and</u> <u>Inspection</u> of Documents . . . | <i>Rule 34(b)</i> : Add reference: notice regarding Electronic Service. |
| Rule 36 Requests Admissions | <i>Rule 36(a)</i> : Add reference: notice regarding Electronic Service. |
| Rule 41 Dismissal of Actions | <i>Rule 41(a)(1)</i> : Allows for dismissal of the action as to fewer than all plaintiffs or defendants. <i>Rule 41(a)(2), (d)</i> : Minor stylistic amendments. |
| Rule 65 Injunctions | <i>Rule 65(a)</i> : Remove "in the clerk's office" in recognition of electronic filing. |
| Rule 67 Deposit in Court | <i>Rule 67</i> : "minuted" changed to "noted." |

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| Rule 76C Removal to Sup.Ct | <i>Rule 76C(b):</i> “transfer” the record to replace “file” record with Superior Court. |
| Rule 76D Appeal to Sup.Ct. | <i>Rule 76D:</i> “transfer” to replace “forward” |
| Rule 76F Record on Appeal to Superior Court | <i>Rule 76F(a):</i> “transfer” to replace “file” and other clarifying language. |
| Rule 80F Traffic Infractions | <i>Rule 80F(b)(2):</i> Update cross-reference to M.R.U. Crim. P. 4(f)(4). |
| Rule 80K Land Use Violations | <i>Rule 80K(a) and (h):</i> Statutory reference updates. |
| Rule 80L Jury Trial de Novo in Small Claims Appeals | <i>Rule 80L(b), (c)(1):</i> Language added to comport with M.R.E.C.S. <i>Rule 80L(c)(2):</i> Update reference to Rule 40 to remove “(a)” in both places it appears in (c)(2). |
| Rule 83 Definitions | <i>Rule 83:</i> Include “magistrate” in the definition of “court” and add definition of docket (in alphabetical order) and reference use of the term “Registry of Actions” if electronic filing. |
| Rule 93 Foreclosure Diversion Program | <i>Rule 93(f):</i> Establishes a 7-day deadline for filing of Plaintiff’s Foreclosure Mediation Information form. |